

ENVIRONMENT AND CONSERVATION FUND ORDINANCE
- CHAPTER 450

LONG TITLE

Long title VerDate:30/06/1997

An Ordinance to establish a trust fund called the Environment and Conservation Fund and to provide for the due administration thereof and for connected matters.

(Enacted 1994)

[1 August 1994] L.N. 462 of 1994

(Originally 42 of 1994)

SECT 1

Short title VerDate:30/06/1997

(1)This Ordinance may be cited as the Environment and Conservation Fund Ordinance.

(2)(Omitted as spent)

(Enacted 1994)

SECT 2

Interpretation VerDate:01/07/2007

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

In this Ordinance, unless the context otherwise requires-

"committee" means the committee established by section 7;

"fund" means the fund established by section 3;

"Secretary" means the Secretary for the Environment; (Added 78 of 1999 s. 7. Amended L.N. 106 of 2002; L.N. 130 of 2007)

"trustee" means the Secretary as trustee of the fund. (Amended 78 of 1999 s. 7)

(Enacted 1994)

SECT 3

Establishment of fund VerDate:30/06/1997

(1)There is hereby established a fund called the Environment and Conservation Fund.

(2)The trustee shall hold the fund upon the trusts and subject to the provisions contained in this Ordinance.

(3)The fund shall consist of-

(a) such sums as may be granted by the Government from time to time;

(b) such donations as may be made to the fund from time to time;

(c) such other moneys, assets or property as may be acquired by the trustee from time to time, including any accumulated income of the fund.(Enacted 1994)

SECT 4

Objects of the trust fund VerDate:30/06/1997

The trustee shall hold and stand possessed of the fund upon trust to apply the same in such manner and to such extent as the committee may advise for the purposes of funding educational, research and other projects and activities in relation to environmental and conservation matters.

(Enacted 1994)

SECT 5

Incorporation of Secretary as trustee VerDate:01/01/2000

(1)For the purposes of this Ordinance, the person for the time being performing the duties of the office of the Secretary shall be the trustee of the fund and shall be a corporation sole (in this section referred to as "the corporation") and shall have the name "The Trustee of the Environment and Conservation Fund", and in that name shall have perpetual succession and may sue and be sued in any court.

(Amended 78 of 1999 s. 7)

(2)The corporation shall have a common seal and the affixing of the seal shall be authenticated by the signature of the trustee.

(3)Any instrument purporting to be an instrument duly executed under the seal of the corporation shall be received in evidence and shall, in the absence of evidence to the contrary, be deemed to be an instrument so executed.

(Enacted 1994)

SECT 6

Investment of moneys VerDate:30/06/1997

(1)The trustee may invest any moneys of the fund in such investments, whether or not such investments are trust investments, as he may consider appropriate.

(2)The trustee may employ any professional person or financial institution to advise him on any matter arising out of or in connection with his functions under this Ordinance.

(3)All salaries and fees of any person or institution so employed shall be paid by the trustee out of the fund.

(Enacted 1994)

SECT 7

Establishment of committee VerDate:01/07/2007

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1)There shall be established a committee to be known as the "Environment and Conservation Fund Committee".

(2)The committee shall consist of-

(a) a chairman, who shall be appointed by the Chief Executive for a term of 2 years, but who shall be eligible for reappointment; (Amended 34 of 2000 s. 3)

(b) the Secretary as ex officio member or his representative;
(Amended 78 of 1999 s. 7)

(c) the Permanent Secretary for Education as ex officio member or his representative;
(Amended 3 of 2003 s. 41; L.N. 130 of 2007)

(d) the Director of Environmental Protection as ex officio member or his representative;

(e) the Director of Agriculture, Fisheries and Conservation as ex officio member or his representative; (Amended L.N. 331 of 1999)

(f) not more than 8 other members appointed by the Chief Executive for a term of 2 years, but who shall be eligible for reappointment. (Amended 34 of 2000 s. 3)

(3)The quorum necessary for the transaction of business by the committee at a meeting of the committee shall be 7 members.

(4)The validity of any proceedings of the committee shall not be affected by any vacancy among the members thereof or by any defect in the appointment of any member thereto.

(5)The committee may make standing orders-

(a) governing their procedure in the transaction of business;

(b) for the maintenance of good order at their meetings; and

(c) generally for matters relating to the discharge of their duties.

(6)The standing orders shall be subject to disallowance, alteration or amendment by the Chief Executive. (Amended 34 of 2000 s. 3)

(7)All questions arising at any meeting of the committee shall be decided by a majority of votes of members present, and, in case of an equality of votes, the chairman shall have a casting vote in addition to his original vote.

(Enacted 1994)

SECT 8

Accounts VerDate:01/07/1997

Adaptation amendments retroactively made - see 34 of 2000 s. 3

(1)The trustee shall cause proper accounts to be kept of all transactions of the fund as the Director of Accounting Services may require and shall cause to be prepared for every period of 12 months ending on 31 March in each year, a statement of the accounts of the fund, which statement shall include an income and expenditure account and balance sheet and shall be signed by the trustee within 3 months of the end of the financial year to which they relate.

(2)The accounts of the fund and the signed statement of the accounts shall be audited by the Director of Audit or by an auditor appointed by the committee who shall certify the statement subject to such report, if any, as he may think fit.

(3)A copy of the signed and audited statement of accounts together with the auditor's report, if any, and a report by the trustee on the administration of the fund during the period covered by the audited

accounts together with such other report as the trustee may see fit to make shall be laid on the table of the Legislative Council within 3 months of the receipt by the trustee of the signed and audited statement of accounts from the auditor, or so soon thereafter as the Chief Executive, in his absolute discretion, may allow. (Amended 34 of 2000 s. 3)
(Enacted 1994)

SECT 9

Cost of administration of the fund VerDate:30/06/1997

(1)The cost of the administration of the fund, other than the salaries and fees paid under the provisions of section 6(3), shall be a charge on the general revenue.

(2)The Financial Secretary may direct that an annual supervision fee of not more than 2.5% of the income of the fund during the financial year concerned shall be charged against the income of the fund and paid into the general revenue.

(Enacted 1994)

SECT 10

Savings VerDate:01/07/2007

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

For the avoidance of doubt it is stated that anything done under this Ordinance by or in relation to the Secretary for Planning, Environment and Lands as a corporation sole and having effect immediately before 1 January 2000 has effect- (Amended L.N. 106 of 2002)

(a) on and after that date but before 1 July 2002 as if done by the Secretary for the Environment and Food; (Amended L.N. 130 of 2007)

(b) on and after 1 July 2002 but before 1 July 2007 as if done by the Secretary for the Environment, Transport and Works; and (Amended L.N. 130 of 2007)

(c) on and after 1 July 2007 as if done by the Secretary for the Environment. (Added L.N. 130 of 2007)
(Added 78 of 1999 s. 7. Amended L.N. 106 of 2002)